

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

(TRIMESTER 2, 2019/2020)

UPI 3622 – PUBLIC INTERNATIONAL LAW II

(All Sections / Groups)

14th March 2020

Reading Time : 9:00 am – 9:15 am

(15 Minutes)

Answering Time: 9:15 am- 12:15 pm

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 pages with 4 Questions only.
3. Attempt question 1A **or** 1B. Questions 2-4 are compulsory. The distribution of the marks for each question is given.
4. Students are not allowed to bring in any statutes into the Examination Hall.
5. Please write all your answers in the Answer Booklet provided

PART A (Attempt 1A OR 1B from this section)**QUESTION 1A**

International humanitarian law is a set of rules which protects persons who do not take part in the hostilities (civilians, medical personnel, aid workers) and those who can no longer fight (wounded, sick, ship-wrecked troops, and prisoners of war) with the primary aim of limiting and preventing human suffering in times of armed conflict.

Discuss the sources of international humanitarian law with examples.

(Total: 25 Marks)

OR

QUESTION 1B

Discuss the essential elements of a lawful self-defence with reference to article 51 of the UN Charter.

(Total: 25 Marks)

PART B (Answer ALL from this section)**QUESTION 2**

Use of force is prohibited under article 2(4) of the Charter of the United Nations with two exceptions.

Discuss the peaceful means of settlement of disputes under international law.

(Total: 25 Marks)

Continued...

QUESTION 3

The Unicorn was a trawler owned by the State Fishing Enterprise of Phoenicia, a sovereign State, and was on the high seas while the Dolphin, one of its boats, was fishing at sea about 110 nautical miles off the Malaysian coast, closely watched by the *KD Sri Putra*, a frigate of the Royal Malaysian Navy. The Dolphin then set off, shadowed by the *KD Sri Putra*, to the place where the Unicorn was waiting and transshipped the cargo onto the Unicorn. The *KD Sri Putra* signaled to the Unicorn to stop in order to do boarding and searching. Neglecting the order, the Unicorn sped up further to the open sea pursued by the *KD Sri Putra*. Only with the use of guns the *KD Sri Putra* was able to arrest the Unicorn, which was later taken to Port Klang. The case was brought before the Magistrate Court, which decided to imprison the crew, all of whom were Phoenician nationals, and forfeit the vessel.

The Government of Phoenicia objected to the arrest on the grounds that the Unicorn had never been within Malaysian waters and never violated Malaysian laws, that it was taking specimen of fishes only for research purposes, and that the use of guns was not necessary and unreasonable and thus in breach of the lawful exercise of the right of hot pursuit. They further argued that the Malaysian court had no jurisdiction as the Unicorn was a government-owned vessel protected by immunity and that the imprisonment of the crew and the forfeiture of the vessel were contrary to the Fisheries Act 1985.

Advise the Attorney-General's Chamber of Malaysia.

(Total: 25 marks)

Continued....

QUESTION 4

Article 36(1) of the Statute of the International Court of Justice says,

“The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.”

Discuss the above article with reference to contentious cases.

(Total: 25 Marks)

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